

Use of force IA No: UF 2017-004 Received: Oct 25, 2017 08:00

Case No:

Type of service being performed at time of incident: Lawful Arrest

Reason for use-of-force: Resisting arrest

Officer assessment of citizen condition: Combative

Citizen was injured: Yes

Citizen was taken to hospital: Yes

No Citizen was charged/arrested in relation to the incident: Yes Officer was injured:

Officer was taken to hospital: No

Distance officer was from involved citizen: 1 foot to 3 feet

Involved citizen: Large

Involved citizen Height: > 6'3"

Involved citizen:

Ted Delamarie Ellis

Linked address(es):

: 322 May River Road Bluffton SC 29910

Linked phone(s):

: (843) 415-2267

Officers involved:

Officer Amber Swinehammer [/]

Officer current info:

Division: Uniform Patrol

Team / Assignment: SRO

Zone:

Snapshot - Officer information at time of incident:

EID#:

Division: Uniform Patrol

Team / Assignment: SRO

Zone:

Rank/title: Officer

Age: Years of employment: Years with unit:

Off duty: No Off duty employed: No

Officer Cody Kirkman [K6768/]

Officer current info:

Division: Uniform Patrol

Team / Assignment: Team B

Zone:

Snapshot - Officer information at time of incident:

EID#:  
Division: Uniform Patrol  
Team / Assignment: Team B  
Zone:  
Rank/title: Officer  
Age:      Years of employment:      Years with unit:  
Off duty: No      Off duty employed: No

Officer Lindsey Gibson [G0758/]

Officer current info:

Division: Uniform Patrol  
Team / Assignment: Team A  
Zone:

Snapshot - Officer information at time of incident:

EID#:  
Division: Uniform Patrol  
Team / Assignment: Team A  
Zone:  
Rank/title: Officer  
Age: 29      Years of employment: 5      Years with unit:  
Off duty: No      Off duty employed: No

Summary:

Date Occurred: 08/03/17  
Location: May River Road @ Buckwalter Parkway  
Officers Involved: Officer Kirkman, Officer Gibson, and Officer Swinehammer

Synopsis:

Officer Kirkman conducted a traffic stop on a Teddy Ellis. Upon meeting the Ellis, it was discovered that his license was suspended. Ellis became very loud and agitated when Officer Kirkman asked him to exit his vehicle. Officer Swinehammer and Officer Gibson were both on scene as back up officers. While in the process of making an arrest, the suspect became very agitated and did not allow officer Kirkman to correctly pat him down. Ellis began to resist Officer Kirkman as if he was trying to hide something from him. Officer Kirkman picked Ellis up and took him to the ground. This caused a small laceration to Ellis' chin. The suspect Ellis was brought to the Emergency Room located at Coastal Carolina Medical Center where he was given medical treatment for his injury.

Investigative Result:

Officer Swinehammer and Officer Gibson both failed to assist Officer Kirkman when he was attempting to make an arrest. Officer Swinehammer and Officer Gibson were given Counseling reports. Defensive Tactics Instructor Sergeant Ferrelli also reviewed the video with all officers involved to recover officer safety tactics in future incidents.

Officer Kirkman use the reasonable amount of force necessary to ensure compliance from a individual who was being placed into custody.

When/where:

Date/time occurred: Aug 05 2017 12:15

: May River Rd./Buckwalter Prkway Bluffton sc 29910

County: Beaufort

Status/assignment information:

Status: Completed Priority: Low

Opened: Assigned: Due: 10/30/2017 Completed: 10/25/2017

Disposition: Counseling report

Unit assigned: Uniform Patrol Division  
Handled at field/unit level: No  
Investigator assign: Lieutenant Joseph George  
Supervisor assign: Lieutenant Joseph George  
Source of information: Complaint/inside source

Organizational component(s):

Division: Uniform Patrol  
Team / Assignment: Team B  
Zone: Zone B  
District: District 2

Entered by: Lieutenant Joseph Babkiewicz on Oct 25, 2017 at 08:02



# BLUFFTON POLICE DEPARTMENT

## Use of Force

(To be completed for EVERY Incident involving Use of Force, both Lethal and Non-Lethal)

INCIDENT: TRAFFIC STOP	DATE: 08-03-17	TIME: 1215	CASE NUMBER: 17BP28605	
LOCATION: May River Road and Buckwalter Parkway Bluffton SC 29910				
SUBJECT: Ellis, Teddy Delama	NAME: Ellis, Teddy Delamarie			
	ADDRESS: 222 May River Road			
	CITY: Bluffton		STATE: SC	ZIP: 29910
	SEX: M	RACE: B	DATE OF BIRTH: 09-24-1979	WEIGHT: 250
				HEIGHT: 6'04"
CHARGES: Driving Under Suspension Resisting Arrest				
REASON FOR INITIAL CONTACT: Traffic Stop : (ALPR HIT) Officers were advised by another officer identified as MPO Elkin that a vehicle identified as a Gray Chevy bearing SC registration of 4082KS was entering the county over the New River Bridge through the LPR System which showed the South Carolina Tag as under suspension for an insurance problem. The vehicles tag was checked through dispatch and DMV records showing the tag was suspended and a traffic stop was initiated on the subject vehicle at Buckwalter Parkway and May River Road in the town of Bluffton.				
TYPE OF FORCE USED: <input checked="" type="checkbox"/> COMPLIANCE <input type="checkbox"/> CHEMICAL <input type="checkbox"/> BATON <input type="checkbox"/> FIREARM TASER <input checked="" type="checkbox"/> X OTHER (SPECIFY) _____ On <u>Empty Hand Control</u>				
EFFECT <p>Officer Kirkman did conduct a traffic stop on the subject vehicle at Buckwalter Parkway and May River Road after confirming that the South Carolina tag was under suspension for an insurance problem. Officer Kirkman approached the subject and only occupant of the vehicle and identified as Teddy Ellis who advised officers that he did not have a drivers' license and that it was under suspension. The subject was loud with officers at this time and upon arrival of Officer Swinehamer and Officer Gibson, the subject was asked to exit the vehicle to be detained and placed in handcuffs and observed on camera as turning around and allowing Officer Kirkman to handcuff him.</p> <p>Officer Kirkman was explaining to the subject why he was stopped and asked for his cooperation in the incident, with the subject yelling just put me in the car and take me to jail. Officer Kirkman did attempt to conduct a search of the subject once back at the patrol vehicle with Officer Gibson to the North side and Officer Swinehamer to the South side. The subject at this time kept yelling at Officer Kirkman to just take him to jail with Officer Kirkman again explaining to the subject that he needs to search him before going in the patrol vehicle.</p> <p>Upon words being exchanged between the two and the subject moving his hips around and leaning against the patrol vehicle it appears that the subject was attempting to hide something. Officer Kirkman the picked the subject up by his legs and the subject fell forward banging his head against the pavement to the road sustaining in a laceration to the chin area. The scene was secured by Officers upon arrival</p>				

of EMS and Fire Department.

MEDICAL TREATMENT FOR SUBJECT REQUIRED?

X ☐ YES NO IF YES, COMPLETE BELOW:

EMS Contacted

PHYSICIAN:

LOCATION:

Buckwalter Parkway and May River Road Bluffton SC 29910

OFFICER INJURED:

☐ YES X NO

OFFICER'S NAME:

Cody Kirkman

MEDICAL TREATMENT FOR OFFICER REQUIRED?

X ☐ YES NO IF YES, COMPLETE BELOW:

PHYSICIAN:

Emergency Room Personal

LOCATION:

Coastal Carolina Medical Center Hardeeville SC

WITNESS(S) INFORMATION:

NAME:

ADDRESS:

CITY/STATE/ZIP

TELEPHONE:

Ofc. A. Swinehamer

101 Progressive St

Bluffton SC 29911

843-706-4550

Ofc. L. Gibson

101 Progressive St

Bluffton SC 29911

843-706-4550

OFFICER(S) USING FORCE:

Officer Cody Kirkman ---- Hands Only

OFFICER'S SIGNATURE:

DATE:

SUPERVISOR'S SIGNATURE:

DATE:



**BLUFFTON POLICE DEPARTMENT  
MEMORANDUM**

*08/24/17  
Review  
Chief*

TO: Chief Joseph Manning

FROM: Captain Sheldon Epstein, Operations Commander, Bluffton Police Department

RE: Review of Incident Video

DATE: August 22, 2017

REFERENCE:(a) Incident Report #BP1728602, dated August 3, 2017.

1. The purpose of this correspondence is to respectfully inform you of follow up action that was taken in regard to the incident that was reported in Reference (a).

2. At approximately 1700 hours on August 10, 2017 the following members of the Bluffton Police Department met to discuss this incident:

Captain Sheldon Epstein  
Lieutenant Joseph George  
Sergeant William Ferrelli  
Officer Lindsey Gibson  
Officer Cody Kirkinan  
Officer Amber Swinehamer

3. Sergeant Ferrelli, who is a certified instructor in Defensive Tactics in the State of South Carolina, reviewed the video with all of the individuals who were present and provided his critique of this incident from the perspective of a Defensive Tactics Instructor. A round table discussion of the incident was then conducted among all individuals who were present.





**BLUFFTON POLICE DEPARTMENT  
USE OF FORCE REPORT**

**Date Occurred:** 08/03/2017

**Location:** SC46 (May River Rd.) @ Buckwalter Parkway

**Officers Involved:** Officer Kirkman, Officer Swinehammer, Officer Gibson

**Suspect Involved:** Ted Delamarie Ellis

**Type of Force Used:** Officer Presence (Level 1), Verbal Directions, (Level 2) Empty Hand Control (Level 3.1)

**Reason for use of force:** Suspect was not allowing police to complete a search of his person prior to transport. Officer was unaware if suspect had any hidden weapons still on him.

**Effect:** No Effect on Officer Presence and No Effect on Verbal Commands. Empty Hand Control had effect on the suspect. Suspect was finally searched prior to transport by department SOP. Officer Kirkman ordered Ellis several times to stop moving and allow a search of his person to be conducted. Ellis failed to comply. Officer Kirkman then grabbed Ellis just below his knees, pulling his legs from under him and forced Ellis to the ground. Once Ellis was on the ground and able to be control by Officer Kirkman and Gibson, Ellis complied and all Use of Force was immediately stopped.

**Involved citizen arrested/charges:** No other citizens involved. Ellis is charged with Driving under Suspension, Operating Uninsured Motor Vehicle, Resisting Arrest, and Failure to Surrender Tags.

**Injuries/Medical Attention (Officer):** Officer Kirkman sustained no injuries during the incident. **Injuries/Medical Attention (Suspect):** Ted Delamarie Ellis sustained minor injuries to his jaw. Beaufort County EMS and Bluffton FD arrived on scene to treat Ellis. Ellis was also





treated for his injuries at Coastal Carolina Hospital, needing 3 stitches and released to law enforcement.

**Details:**

On Thursday, 08-03-2017, Officer Kirkman (wearing his police issued uniform and duty belt) stopped a silver Chevrolet Impala (SCLP # 4082KS) traveling eastbound on May River Road (SC46) for an LPR (License Plate Reader) hit. The license plate on the vehicle (4082KS) activated the LPR System for Cancellation of Insurance, Suspended License Plate. Officer Kirkman conducted a traffic stop of the vehicle, made contact with the driver (Ted Delamarie Ellis), advised why he was being stopped and asked for Ellis' driver's license. Ellis became agitated during the traffic stop, pulled away from Officer Kirkman when Officer Kirkman placed handcuffs on him. Officer Kirkman advised Ellis several times during the incident to stop pulling away from him (Officer Kirkman) and allow himself to be searched. Ellis did ask Officer Kirkman if he was going to jail and told Officer Kirkman to just put him in the vehicle. Ellis would not allow himself to be searched before being placed inside Officer Kirkman's department issued marked police unit. Officer Kirkman advised Ellis if he continues to pull away from him and not allow himself to be searched, he (Officer Kirkman) would place him (Ellis) on the ground. Ellis failed to comply which resulted in Officer Kirkman lowering himself, grabbing Ellis just below his knees, pulling them from under him which forced Ellis to the ground. Ellis sustained injury to his chin. EMS was called, treated Ellis on scene and Ellis was transported to Coastal Carolina Hospital for treatment. Officer Swinehammer and Officer Gibson were both on scene during this incident, however neither Officer assisted Officer Kirkman with handling Ellis.



### **Investigative Conclusion:**

Using force to make an arrest or control unlawful offender resistance is authorized using guidelines outlined by the U.S. Supreme Court in *Graham v. Connor* (490 U.S. 386, 1989).

*"The test of reasonableness, under the 4<sup>th</sup> Amendment, is not capable of a precise definition or mechanical application. Its proper application requires careful attention to the facts of each particular case."*

*"The calculus of reasonableness must allow for the fact that police officers must make split-second decisions in circumstances that are tense, uncertain and rapidly evolving."*

*The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."*

The U.S. Supreme Court in *City of Canton, Ohio v. Harris* (489 U.S. 378, 1989) ruled deliberate indifference to the need for training and failure to train officers can result in constitutional violations.

Officer Kirkman had intentions of searching Ellis incident after arrest. Based upon the review of Officer Kirkman, Swinehammer and Gibson's report, vehicle camera and body camera of Officer Kirkman and Swinehammer, it has been found that Officer Kirkman used a reasonable amount of force necessary to conduct a proper search of Ellis however Officer Kirkman, Officer Swinehammer and Officer Gibson did not prevent Ted Ellis from hurting himself.



**Attachments:**

Use of Force report completed by Master Patrolman Jeff Dickson

Copy of Report

Copy of the In-Car and Body Camera

Patrol Commander:

A handwritten signature in black ink, appearing to be "J. Dickson", is written over a horizontal line.

Operations Commander:

CAPT. A handwritten signature in black ink, appearing to be "Sheld E. [unclear]", is written over a horizontal line.

Chief of Police:

A handwritten signature in black ink is written over a horizontal line.

08/17/2017



## BLUFFTON POLICE DEPARTMENT Counseling Report

Member/Employee Name/ID #: Amber Swinehammer / 255

Date: 10-02-17

Rank: Police Officer II

Division: Uniform Patrol Division

On August 8, 2017, Officer Swinehammer was involved in a traffic stop with officer Kirkman of the Bluffton Police Department. During this incident, Officer Kirkman conducted an arrest of a passive Resisting suspect. The suspect was taken to the ground by Officer Kirkman who acted along during the lawful arrest of the suspect.

Officer Swinehammer is reminded when a law enforcement officer is conducting any lawful action it is her duty to assist whenever possible. This will help ensure best possible safety of all parties involved during the pursuit, arrest and detention of a suspect, including the suspect.

This written counseling will serve as a reminder and is not any type of disciplinary action.

\_\_\_\_\_  
Supervisor Signature/Date

Joseph George / 92

\_\_\_\_\_  
Print or Type Supervisor Name/ID #

\_\_\_\_\_  
Member/Employee Signature/Date

Amber Swinehammer / 255

\_\_\_\_\_  
Print or Type Member/Employee Name



# Bluffton Police Department

Officer Report for Incident 17BP28602

Nature: Traffic Stop  
Location: 6168

Address: BUCKWALTER / MAY RIVER  
Bluffton SC 29910

Offense Codes: REAA, OUI1, N15, FSS1

Received By: Connolly, K

How Received: O

Agency: BLPD

Responding Officers: Kirkman, C, Swinehamer, A, Elkin, D, Hoyt, J

Responsible Officer: Kirkman, C

Disposition: CAA 08/04/17

When Reported: 12:15:14 08/03/17

Occurred Between: 12:15:14 08/03/17 and 12:15:14 08/03/17

Assigned To:

Detail:

Date Assigned: \*\*/\*\*/\*\*

Status:

Status Date: \*\*/\*\*/\*\*

Due Date: \*\*/\*\*/\*\*

## Complainant:

Last:

First:

Mid:

DOB: \*\*/\*\*/\*\*

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

## Offense Codes

Reported: MIS\*

Observed: REAA

Resisting Arrest(Person Arrested)

Additional Offense: REAA Resisting Arrest(Person Arrested)

Additional Offense: OUI1 Operating Uninsured Vehicle 1st

Additional Offense: N15 Driving Under Suspension

Additional Offense: FSS1 Fail to Surrender tag 1st

## Circumstances

BWC Body Worn Camera

L3MO3 L3(In car Recording)Rspndg

## Responding Officers:

Unit :

Kirkman, C

522

Swinehamer, A

529

Elkin, D

551

Hoyt, J

C11

Responsible Officer: Kirkman, C

Received By: Connolly, K

How Received: O Officer Initial

Agency: BLPD

Last Radio Log: \*\*.\*.\*.\* \*\*/\*\*/\*\*

Clearance: CTR Citation W/Report

When Reported: 12:15:14 08/03/17

Disposition: CAA Date: 08/04/17

Judicial Status:

Occurred between: 12:15:14 08/03/17

Misc Entry:

and: 12:15:14 08/03/17

Modus Operandi:

Description :

Method :

**Involvements**

Date	Type	Description
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**Narrative**

ON THE DATE OF AUGUST 3, 2017 I, OFFICER CODY KIRKMAN, WAS WORKING REGULAR PATROL IN MY FULLY MARKED, DEPARTMENT ISSUED POLICE CRUISER. I WAS IN THE AREA OF MAY RIVER ROAD AND MEADOW DRIVE WHEN I WAS ALERTED BY THE LPR CAMERA SYSTEM THAT A VEHICLE WITH SUSPENDED REGISTRATION WAS APPROACHING. THE DESCRIPTION OF THE VEHICLE WAS A SILVER CHEVROLET BEARING SOUTH CAROLINA REGISTRATION 4082KS. THERE WAS NO DRIVER INFORMATION AVAILABLE.

A FEW MOMENTS LATER I OBSERVED THE SUSPECT VEHICLE TRAVELING EAST BOUND ON MAY RIVER ROAD. I POSITIONED MY VEHICLE BEHIND THE SUSPECT VEHICLE. WE CONTINUED TRAVELING EAST BOUND ON MAY RIVER ROAD. I OBSERVED THE VEHICLE TO BE A SILVER CHEVROLET IMPALA BEARING THE SAME REGISTRATION PREVIOUSLY DISPLAYED BY THE LPR SYSTEM. THE DRIVER OF THE VEHICLE COULD NOT BE OBSERVED DUE TO VERY DARK WINDOW TINT. I RELAYED THE VEHICLE REGISTRATION INFORMATION TO DISPATCH. DISPATCH CONDUCTED A DMV CHECK ON THE REGISTRATION AND CONFIRMED THAT THE PLATE HAD BEEN SUSPENDED FOR CANCELLATION OF INSURANCE. THE SUSPENSION WENT INTO EFFECT ON JULY 31, 2017. DUE TO THE HIGH VOLUME OF TRAFFIC IN THE AREA, I CONTINUED TO FOLLOW THE SUSPECT VEHICLE UNTIL I COULD FIND A SAFE PLACE TO CONDUCT A TRAFFIC STOP.

IN THE AREA OF BUCKWALTER PARKWAY AND MAY RIVER ROAD, I ACTIVATED MY OVERHEAD EMERGENCY LIGHTS AND CONDUCTED THE STOP. THE VEHICLE YIELDED TO THE STOP ON THE SOUTHWEST PORTION OF THE INTERSECTION. I THEN MADE CONTACT WITH THE DRIVER AND ONLY OCCUPANT OF THE VEHICLE. THE DRIVER WAS IDENTIFIED AS TED (TEDDY) DELAMARIE ELLIS. I INFORMED ELLIS THAT HE WAS STOPPED BECAUSE THE PLATE ON THE VEHICLE HAD BEEN SUSPENDED BY THE DMV DUE TO CANCELLATION OF INSURANCE. ELLIS BECAME AGITATED AT THE REASON FOR THE TRAFFIC STOP. I ASKED ELLIS TO PROVIDE THE VEHICLE REGISTRATION AND HIS DRIVER'S LICENSE. ELLIS RETRIEVED THE REGISTRATION AND INFORMED ME THAT HE DID NOT HAVE HIS LICENSE IN HIS POSSESSION. I OBTAINED THE DRIVER'S INFORMATION AND RETURNED TO MY VEHICLE.

I HAD DISPATCH CONDUCT A DMV CHECK ON TED ELLIS WITH THE INFORMATION HE SUPPLIED. WHILE I WAS AWAITING THE RETURN FROM DISPATCH, I RETURNED TO THE IMPALA TO RETRIEVE THE VEHICLE INSURANCE INFORMATION. ELLIS BECAME INCREASINGLY AGITATED. ELLIS BEGAN YELLING AND SWEARING. ELLIS OPENED THE GLOVE COMPARTMENT AND PULLED THE DOOR OPEN WITH ENOUGH FORCE TO BREAK IT. ELLIS LOCATED A PROGRESSIVE INSURANCE CARD AND HANDED IT TO ME. ELLIS'S GENERAL DISPOSITION REMAINED AGITATED.

DISPATCH INFORMED ME AT THAT TIME THAT ELLIS' DRIVER'S LICENSE WAS CURRENTLY SUSPENDED INDEFINITELY FOR FAILURE TO PAY TRAFFIC TICKETS. IT WAS LEARNED THAT HIS LICENSE HAD BEEN SUSPENDED FOR SEVERAL YEARS FOR VARIOUS TRAFFIC VIOLATIONS.

FURTHERMORE, ELLIS HAD A SOUTH CAROLINA CONVICTION FOR DRIVING UNDER SUSPENSION ON JULY 29, 2014. I DETERMINED AT THAT TIME THAT MR. ELLIS WOULD BE TAKEN INTO CUSTODY FOR THE VIOLATIONS. DUE TO MR. ELLIS' INCREASINGLY AGITATED DISPOSITION, I RADIOED OFFICER GIBSON TO RESPOND TO THE SCENE TO ASSIST. OFFICER SWINEHAMER ALSO INFORMED ME THAT SHE WOULD BE RESPONDING. THE OFFICERS ARRIVED ON SCENE A SHORT TIME LATER AND WERE INFORMED THAT I WOULD BE TAKING ELLIS INTO CUSTODY.

I RETURNED TO ELLIS, WHO REMAINED IN HIS VEHICLE. AT THIS TIME, ELLIS WAS ON THE PHONE WITH AN UNIDENTIFIED INDIVIDUAL. ELLIS CONTINUED TO SHOUT OBSCENITIES. I ASKED ELLIS TO SHUT HIS VEHICLE OFF. HE COMPLIED WITH THE ORDER. I OPENED THE DRIVER DOOR AND ASKED ELLIS TO STEP OUT. ELLIS COMPLIED WHILE CONTINUING TO VOICE HIS DISAPPROVAL OF THE SITUATION. I ASKED ELLIS TO TURN AROUND AND FACE HIS VEHICLE. AT THAT TIME, I HANDCUFFED ELLIS BEHIND HIS

BACK (DOUBLE LOCKED AND CHECKED FOR FIT). ELLIS CONTINUED TO GET INCREASINGLY ANGRY. I BEGAN TO CONDUCT A SEARCH OF ELLIS' PERSON. THIS WAS DONE IN ACCORDANCE WITH DEPARTMENT POLICY RELATING TO CUSTODIAL ARRESTS. I BEGAN TO CHECK ELLIS' POCKETS FOR CONTRABAND AND WEAPONS. I ALSO VOICED TO ELLIS THAT I NEEDED TO COMPLETE A SEARCH OF HIS PERSON. ELLIS ATTEMPTED TO TURN AROUND IN AN EFFORT TO STOP THE SEARCH. ELLIS BEGAN TELLING ME TO "JUST PUT ME IN THE VEHICLE." I VOICED TO HIM SEVERAL TIMES THAT I NEEDED TO SEARCH HIS PERSON PRIOR TO BEING PLACED IN MY VEHICLE. ELLIS CONTINUED TO VERBALLY RESIST THE SEARCH. HE ALSO CONTINUED TO ATTEMPT TO TURN AROUND. I PLACED MY LEFT HAND ON ELLIS' LEFT ARM AND ATTEMPTED TO LIMIT HIS MOVEMENT. ELLIS SHRUGGED HIS LEFT ARM AWAY FROM CONTROL.

DUE TO MY CLOSE PROXIMITY TO HEAVY TRAFFIC AND ELLIS RESISTING MY INITIAL SEARCH, IT WAS DETERMINED THAT A THOROUGH SEARCH NEEDED TO TAKE PLACE IN A MORE PROTECTED AREA. I GRABBED ELLIS BY THE RIGHT ARM AND ATTEMPTED TO WALK BACK TOWARDS MY PATROL VEHICLE. IT SHOULD BE NOTED THAT OFFICERS GIBSON AND SWINEHAMER POSITIONED THEIR VEHICLES IN A MANNER IN WHICH TO PROVIDE SCENE SAFETY FROM APPROACHING TRAFFIC. ELLIS CONTINUED TO VERBALLY STATE THAT I DID NOT NEED TO SEARCH HIM, TO PLACE HIM IN THE VEHICLE, AND TO LET GO OF HIS ARM. ELLIS WAS BECOMING MORE AND MORE AGITATED. WHEN I REACHED THE REAR DRIVER SIDE DOOR, I STOPPED ELLIS AND HAD HIM FACE MY PATROL VEHICLE. I THEN ATTEMPTED TO CONDUCT A THOROUGH SEARCH OF HIS PERSON. ELLIS CONTINUED TO VERBALLY STATE THAT I WAS NOT GOING TO SEARCH HIM. ELLIS WOULD TURN TOWARDS ME WHICH PREVENTED ME FROM CONDUCTING THE SEARCH. I GAVE ELLIS SEVERAL COMMANDS TO ALLOW ME TO SEARCH HIM AND I WOULD USE MY LEFT ARM TO TURN HIM BACK AROUND. ELLIS REMAINED VERBALLY AND PHYSICALLY RESISTANT TO THE SEARCH BY TURNING TOWARDS ME WHILE I WAS SEARCHING AND SAYING TO "JUST PUT HIM IN THE VEHICLE". DUE TO ELLIS' LARGE SIZE, I WAS UNABLE TO MAINTAIN ENOUGH CONTROL OF ELLIS TO CONDUCT THE SEARCH. DUE TO ELLIS' ATTITUDE AND OPPOSITION TO BEING SEARCHED, I BELIEVED IT WAS POSSIBLE HE HAD A FIREARM OR OTHER ILLEGAL CONTRABAND CONCEALED ON HIS PERSON.

IT BECAME APPARENT THAT ELLIS WAS NOT GOING TO SUBMIT TO THE SEARCH. THE ONLY WAY THAT I WOULD BE ABLE TO SEARCH ELLIS' PERSON WAS TO PUT HIM AT A POSITION OF DISADVANTAGE ON THE GROUND. I INFORMED ELLIS THAT I WAS GOING TO PLACE HIM ON THE GROUND IF HE DID NOT SUBMIT TO THE SEARCH. AGAIN, ELLIS VERBALLY AND PHYSICALLY RESISTED THE SEARCH STATING THAT HE WAS "IN HANDCUFFS" SO I COULD NOT DO ANYTHING. ELLIS TURNED TOWARDS ME AGAIN DESPITE MY COMMANDS NOT TO. I THEN REACHED FOR ELLIS' AROUND THE WAIST IN ORDER TO CONTROL HIS CENTER OF GRAVITY. I PICKED ELLIS UP OFF THE GROUND. I ATTEMPTED TO PLACE ELLIS ON HIS LEFT SIDE DIRECTLY NEXT TO MY VEHICLE. DUE TO THE TRAFFIC IN THE AREA, I KNEW THAT ELLIS AND MYSELF WOULD BE IN DANGER OF GETTING STRUCK BY A VEHICLE IF WE MOVED TOO FAR AWAY FROM MY CRUISER. DUE TO ELLIS' LARGE UPPER BODY, WHEN I PICKED HIM UP OFF THE GROUND HIS UPPER BODY SWUNG FORWARD. I WAS UNABLE TO CONTROL ELLIS' DESCENT TO THE GROUND. ELLIS LANDED FACE FIRST, CAUSING A LACERATION TO HIS CHIN. OFFICER SWINEHAMER SUMMONED EMS TO THE SCENE TO ASSESS ELLIS' INJURIES. OFFICER ELKIN ARRIVED ON SCENE AT THAT TIME TO ASSIST.

WHILE AWAITING EMS ARRIVAL, ELLIS CONTINUED YELLING OBSCENITIES TOWARDS ME. ELLIS INFORMED ME THAT HE WAS GOING TO KILL ME AND SUE THE POLICE DEPARTMENT. EMS ARRIVED ON SCENE AND CLEANED ELLIS' LACERATION. THEY ASSESSED THAT ELLIS DID NOT HAVE LIFE THREATENING INJURIES FROM THE FALL. OFFICERS DETERMINED THAT ELLIS NEEDED FURTHER MEDICAL ATTENTION AT ANOTHER FACILITY. I ASSISTED ELLIS TO HIS FEET AND PLACED HIM IN MY PATROL VEHICLE. OFFICER ELKIN RELATED TO ME THAT HE DISCOVERED THE SUSPECT VEHICLE IS NOT CURRENTLY INSURED. OFFICER ELKIN REMAINED ON SCENE AND CONDUCTED AN INVENTORY OF ELLIS' VEHICLE. THE VEHICLE WAS LATER TOWED FROM THE SCENE BY PALMETTO TOWING.



I THEN TRANSPORTED ELLIS TO COASTAL CAROLINA FOR FURTHER MEDICAL TREATMENT. IT SHOULD BE NOTED THAT ELLIS CONTINUED TO THREATEN TO KILL ME AND MY FAMILY. UPON ARRIVAL AT COASTAL, ELLIS WAS ADMITTED. SEVERAL TESTS WERE CONDUCTED ON ELLIS TO CHECK FOR BRAIN BLEEDING AND CHIN/JAW DAMAGE. THE DOCTOR INFORMED ME THAT, OTHER THAN THE LACERATION, ELLIS DID NOT SUSTAIN ANY OTHER INJURY. ELLIS RECEIVED A SMALL AMOUNT OF STITCHES IN HIS CHIN AND WAS RELEASED.

UPON BEING RELEASED, ELLIS WAS PLACED BACK IN MY PATROL VEHICLE. HE WAS THEN TRANSPORTED TO THE BEAUFORT COUNTY DETENTION CENTER. ELLIS WAS REMOVED FROM MY VEHICLE WHEN I ARRIVED AT THE DETENTION CENTER. A SEARCH OF THE REAR PASSENGER SEAT DID NOT YIELD ANY RESULTS FOR CONTRABAND. ELLIS WAS LODGED ON THE FOLLOWING CHARGES:

RESISTING ARREST WARRANT# 2017A0720200199  
OPERATING UNINSURED MOTOR VEHICLE #5102P0485908  
FAILURE TO SURRENDER TAG 5102P0485907  
DRIVING UNDER SUSPENSION 2ND OFFENSE 5102P0485906

ELLIS WAS GIVEN A GENERAL SESSIONS COURT DATE OF OCTOBER 13, 2017 AT 9AM FOR THE RESISTING ARREST CHARGE. ELLIS WAS GIVEN A MUNICIPAL COURT DATE OF OCTOBER 3, 2017 AT 9AM FOR THE OTHER THREE CHARGES.

THE REGISTRATION PLATE WAS SEIZED FROM ELLIS' VEHICLE. IT WAS PLACED IN THE EVIDENCE VESTIBULE LOCATED AT THE BLUFFTON LEC.

REQUEST CASE CLEARED BY ARREST.

08/04/17  
11:47

Bluffton Police Department  
Law Supplemental Narrative:

4489  
Page: 1

Details

Incident Number 17BP28602  
Sequence Number 1

Name Swinehamer, A  
Date 13:34:24 08/03/17

Narrative  
(See below)

= = = = =

Narrative:

On 8/3/17, I, Officer Swinehamer, responded as a back up unit for Officer Kirkman on a traffic stop at Buckwalter Pkwy and May River Rd.

I arrived on scene and the violator, later identified as Ted Ellis by his SC ID card, was in the driver's seat of his vehicle and Officer Kirkman was inside his patrol car.

Officer Kirkman advised me that he was going to place Ellis under arrest due to his license being suspended times 5 for failure to pay. He stated he was going to remove Ellis from his vehicle and detain him.

We walked up to the car together and I could hear Ellis speaking at a loud volume from inside his car. Ellis got out of the vehicle without resisting, however once Officer Kirkman began to place handcuffs on him, he began to pull away from him a bit and continued to get louder.

Officer Kirkman was able to walk Ellis back to his patrol car and faced him towards the car to conduct a search for contraband prior to placing him in the vehicle. Officer Gibson arrived on scene. Ellis continued to yell and stated several times that he could assault and officer, including the chief. Officer Kirkman told Ellis several times to stop moving and let him continue the search. Ellis began to push back and turn to the side while he was attempting to complete the task. Officer Kirkman again told him to comply and Ellis continued to push back onto Officer Kirkman.

At that time, Officer Kirkman reached down and grabbed Ellis by both ankles, moving both of Ellis' feet out from underneath him. Ellis was laid out on the ground, striking part of his face or chin on the ground. Officer Kirkman moved to place his body on Ellis to get him to stop moving and Officer Gibson assisted with holding Ellis' feet down.

I then requested EMS respond to the scene in reference to a male patient bleeding from the chin. I observed a puddle of blood on the ground under Ellis' face. Sergeant Hoyt with BCSO also arrived on scene at this time.

Once EMS was enroute, as well as additional units, I also requested the next wrecker off rotation for the violator's vehicle. I began a tow sheet and assisted Officer Elkin with documentation when he arrived on scene.

I placed Ellis' wallet and two cell phones in a plastic evidence bag with his copy of the tow sheet and placed them in Officer Kirkman's vehicle.

I then responded to the police department to upload both my body camera and my in car camera.

Nothing further.

On 8/3/17, I, Officer Gibson, responded as an additional back up unit for Officer Kirkman on a traffic stop in the area of Buckwalter Pkwy and May River Road.

Prior to arriving on scene dispatch advised the driver, identified as Ted Ellis had a suspended drivers license (X5) for failure to pay. Upon arrival I observed Officer Kirkman and Officer Swinehamer walking towards the violator's vehicle, by the time I turn my marked patrol vehicle around and exited I observed Officer Kirkman placing handcuffs on Ellis. During this time I observed Ellis pulling away from Officer Kirkman attempting to turn around and face him, I was unsure if Ellis was fully handcuffed however once I got closer to Officer Kirkman's location I observed Ellis was secured by the handcuffs.

Officer Kirkman walked Ellis back to his patrol car and faced him towards the car to conduct a search for contraband prior to placing him in the vehicle. Ellis continued to turn and push back towards Officer Kirkman in an irritate manner. Officer Kirkman continued to tell Ellis to stop moving so he could continue his search however Ellis was not complying at which time, Officer Kirkman bent down, wrapped his arms around Ellis's legs, moving both of Ellis' feet out from underneath him causing Ellis to lay out on the ground. Once Ellis was on the ground Officer Kirkman moved to place his body on Ellis to get him to stop moving and I moved to assist him with holding Ellis' legs/feet. Ellis again continued to move his body, I observed blood coming from his chin in which Officer Swinehamer requested EMS respond to the scene in reference to a male patient bleeding from the chin.

Once EMS arrived on scene and placed a bandage on Ellis' chin, Ellis' was placed in the back of Officer Kirkmans marked patrol vehicle.

Nothing further.

## Record List - Total:9

Px	Record #	Date	Description	Relationship
NM	131388	08/03/17	ELLIS, TED DELAMARIE	Suspect Arrested
OF	30958	08/03/17	DUS/notsuspforDUI-2nd	*Charged With
OF	30959	08/03/17	FalltoSurrendertag1st	*Charged With
OF	30961	08/03/17	Uninsured Vehicle	*Charged With
OF	30962	08/03/17	ResistingArrest(PersonArrested)	*Charged With
VH	25678	08/03/17	SIL 2014 CHEV IMPALA SC	Vehicle Unit 1
CA	C17308571	08/03/17	12:15 08/03/17 Traffic Stop	*Initiating Call
PR	69482	08/03/17	WHI Registration south carolina \$0	Property
EV	34269	08/04/17	SC TAG 4082KS	*Evidence Incident